

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

EUGENE MARTINEZ, DAVID SILVA,
MARIO OLIVAREZ, RUBY MARTINEZ,
AND SILVIA TREVINO,
Plaintiffs,

vs.

SUPERIOR HEALTHPLAN, INC. AND
CENTENE CORPORATION,
Defendants.

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NO. 5:16-CV-00870-XR

FIFTH JOINT MOTION FOR CONTINUANCE

Plaintiffs Eugene Martinez, David Silva, Mario Olivarez, Ruby Martinez, and Silvia Trevino, and Defendants, Superior Healthplan, Inc. and Centene Corporation, by and through their undersigned counsel, hereby jointly move for a 60 day extension of the current discovery, ADR, and pretrial deadlines as set forth in the Court's Amended Scheduling Order at Docket Number 56, and in support thereof state as follows:

1. Five plaintiffs bring this case, individually, against both Superior Healthplan, Inc. and Centene Corporation under the Fair Labor Standards Act of 1938.¹
2. The current discovery deadline is September 14, 2018. (Doc. 56).
3. The current deadline to respond to settlement demands sent on or before July 9, 2018 is October 16, 2018. *Id.*
4. The current deadline to file pretrial motions, including dispositive motions is October 2, 2018. *Id.*

¹ The case previously involved claims under the Employee Retirement Income Security Act of 1974 and the Consolidated Omnibus Budget Reconciliation Act of 1986. Those claims were recently dismissed, leaving the FLSA claims only.

5. The current deadline to file a Joint Pretrial Order and motions in limine is December 5, 2018. *Id.*

6. The final pretrial conference is set for December 12, 2018, and jury trial is set for January 7, 2019. *Id.*

7. The parties have largely completed written discovery, and are working with each other to address any differences without the need for court intervention. The parties are also working toward scheduling depositions of witnesses and corporate representatives.

8. Additional time to complete discovery will also aid the parties in determining whether mediation or other settlement discussions would be of value.

9. The parties do not request this continuance solely for purposes of delay, but so that justice may be done.

WHEREFORE, the Parties respectfully request that the discovery deadline, and all subsequent deadlines, be extended by approximately 60 days.

Dated _____.

Respectfully submitted,

/s/ Aric J. Garza

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